

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THOMAS EARL BAILEY, JR.,

Plaintiff,

v.

JESSE KIRSCH, M.D.,

Defendant.

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**CIVIL ACTION
No. 19-3263**

ORDER

This 6th day of February, 2020, upon consideration of Defendant's Motion to Dismiss, ECF 17, it is **ORDERED** that Defendant's Motion to Dismiss is **DENIED**.

/s/ Gerald Austin McHugh
Gerald Austin McHugh
United States District Court Judge